

Fill in this information to identify your case:

United States Bankruptcy Court for the:

NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

Case number (if known) Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/19

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	Clarke's Towing & Transportation Service, Inc.	
2. All other names debtor used in the last 8 years Include any assumed names, trade names and doing business as names	DBA Clarke's Towing Service	
3. Debtor's federal Employer Identification Number (EIN)	90-0278909	
4. Debtor's address	Principal place of business 1950 Royal Industrial Boulevard Austell, GA 30106 Number, Street, City, State & ZIP Code Cobb County	Mailing address, if different from principal place of business 748 San Fernando Drive Smyrna, GA 30080 P.O. Box, Number, Street, City, State & ZIP Code Location of principal assets, if different from principal place of business Number, Street, City, State & ZIP Code
5. Debtor's website (URL)		
6. Type of debtor	<input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify:	

Debtor **Clarke's Towing & Transportation Service, Inc.**
Name

Case number (if known) _____

7. Describe debtor's business A. *Check one:*

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☒ None of the above

B. *Check all that apply*

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?*Check one:*

- ☐ Chapter 7
- ☐ Chapter 9

☒ Chapter 11. *Check all that apply:*

- ☒ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).
- ☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District _____	When _____	Case number _____
District _____	When _____	Case number _____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No
- ☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor _____	Relationship _____
District _____	When _____ Case number, if known _____

Debtor **Clarke's Towing & Transportation Service, Inc.**
Name

Case number (if known)

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency

Contact name

Phone

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

☐ Funds will be available for distribution to unsecured creditors.

☒ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☒ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☒ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **Clarke's Towing & Transportation Service, Inc.**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **May 6, 2019**
MM / DD / YYYY

X /s/ Henry Clarke
Signature of authorized representative of debtor

Title **CEO**

Henry Clarke
Printed name

18. Signature of attorney

X /s/ Paul Reece Marr GA Bar #
Signature of attorney for debtor

Date **May 6, 2019**
MM / DD / YYYY

Paul Reece Marr GA Bar # 471230
Printed name

Paul Reece Marr, P.C.
Firm name

Suite 960
300 Galleria Parkway, N.W.
Atlanta, GA 30339
Number, Street, City, State & ZIP Code

Contact phone **(770) 984-2255** Email address **paul.marr@marrlegal.com**

GA Bar # 471230 GA
Bar number and State

Fill in this information to identify the case:

Debtor name Clarke's Towing & Transportation Service, Inc.

United States Bankruptcy Court for the: NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 6, 2019

X /s/ Henry Clarke

Signature of individual signing on behalf of debtor

Henry Clarke

Printed name

CEO

Position or relationship to debtor

Fill in this information to identify the case:Debtor name **Clarke's Towing & Transportation Service, Inc.**United States Bankruptcy Court for the: **NORTHERN DISTRICT OF
GEORGIA, ATLANTA DIVISION**

Case number (if known): _____

☐ Check if this is an
amended filing**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders****12/15**

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Internal Revenue Service (CIO) PO Box 7346 Philadelphia, PA 19101-7346		Forms 940 and 941 tax, interest, and penalty				Unknown
Santander Bank, N.A. PO Box 14833 Reading, PA 19612-4833		invoice dated 01/25/2019 for services rendered				\$47,721.25
Georgia Department of Labor 148 International Blvd. NE Sussex Place - Room 738 Atlanta, GA 30303-1751		unemployment tax, interest, and penalty				Unknown
GA Dept Revenue Compliance Div ARCS - Bankruptcy 1800 Century Blvd; #9100 Atlanta, GA 30345-3205		payroll withholding tax, interest and penalty				Unknown
Schulten Ward Turner & Weiss Dean Fuchs Ste 2700; 260 Peachtree St NW Atlanta, GA 30303		attorney fee account payable				\$16,470.22
Moses Gray c/o Kevin Fitzpatrick, Jr. Esq 101 Marietta St NW; # 3100 Atlanta, GA 30303				\$16,151.93	\$0.00	\$16,151.93

Debtor **Clarke's Towing & Transportation Service, Inc.**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Atlanta Title Pawn 279 Powers Ferry Rd Suite K Marietta, GA 30067		debtor gave two trucks as collateral for two pawns in the name of Henry Morrison Clarke				\$6,000.00
Arrowhead General Insurance Agency, Inc. 701 B St, Suite 2100 San Diego, CA 92101		insurance account payable	Unliquidated Disputed			\$5,000.00
City of Austell 2716 Broad Street, SW Austell, GA 30106		ad valorem property tax				\$3,404.21
Aaron Thompson c/o Kevin Fitzpatrick, Jr. Esq 101 Marietta St NW; # 3100 Atlanta, GA 30303				\$14,884.96	Unknown	Unknown
Accident Insurance Company Inc Attn: Legal Dept. One Harbison Way; Suite 115 Columbia, SC 29212-3407				\$14,237.50	Unknown	Unknown
Donna Williams c/o Louis R. Cohan, Esq. 3340 Peachtree Rd; Suite 2570 Atlanta, GA 30326				\$14,946.14	Unknown	Unknown
Fox Business Funding Joseph Rapoport, President North Orange Street, Suite 762 Wilmington, DE 19801				Unknown	Unknown	Unknown
Jerry Williams c/o Kevin Fitzpatrick, Jr. Esq 101 Marietta St NW; # 3100 Atlanta, GA 30303				\$22,963.13	Unknown	Unknown

Debtor **Clarke's Towing & Transportation Service, Inc.**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Mechanical Services Unlimited Attn: Timothy E King 962 Industrial Blvd North Dallas, GA 30132		2012 Dodge Ram 4500HD, VIN -6015	Contingent Unliquidated Disputed	\$91,251.00	Unknown	Unknown
Power Up Lending Group, Ltd. 111 Great Neck Road Suite 216 Great Neck, NY 11021				\$76,990.43	Unknown	Unknown
Santander Bank, N.A. Attn: Legal Dept. 75 State Street; 5th Floor Boston, MA 02109		judgment entered 12/19/2018 Supreme Court of New York, Suffolk County		\$63,246.47	Unknown	Unknown
TBF Financial LLC c/o A. Christian Wilson 3490 Piedmont Road; Ste 1100 Atlanta, GA 30305				\$27,425.08	Unknown	Unknown

**United States Bankruptcy Court
Northern District of Georgia, Atlanta Division**

In re **Clarke's Towing & Transportation Service, Inc.**

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the CEO of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **May 6, 2019**

/s/ Henry Clarke

Henry Clarke/CEO

Signer/Title

Aaron Thompson
c/o Kevin Fitzpatrick, Jr. Esq
101 Marietta St NW; # 3100
Atlanta, GA 30303

Accident Ins. Co. Inc.
c/o Vivian Hudson Uchitel, Esq
3490 Piedmont Rd NE Ste 1100
Atlanta, GA 30305

Accident Insurance Company Inc
Attn: Legal Dept.
One Harbison Way; Suite 115
Columbia, SC 29212-3407

Accident Insurance Company Inc
One Harbison Way
Brookside Office Bldg, Ste 115
Columbia, SC 29212

Arrowhead General
Insurance Agency, Inc.
701 B St, Suite 2100
San Diego, CA 92101

Atlanta Title Pawn
279 Powers Ferry Rd Suite K
Marietta, GA 30067

Citizens Trust Bank
Attn: Legal Dept.
230 Peachtree St. NW, # 2700
Atlanta, GA 30303

City of Austell
2716 Broad Street, SW
Austell, GA 30106

Department of Justice, Tax Div
Civil Trial S, Southern Region
PO Box 14198 Ben Frankln Statn
Washington, DC 20044

Donna Williams
c/o Louis R. Cohan, Esq.
3340 Peachtree Rd; Suite 2570
Atlanta, GA 30326

Fox Business Funding
Joseph Rapoport, President
North Orange Street, Suite 762
Wilmington, DE 19801

Funding Metrics, LLC
884 Town Center Drive
Langhorne, PA 19047-1748

GA Dept Revenue Compliance Div
ARCS - Bankrutpcy
1800 Century Blvd; #9100
Atlanta, GA 30345-3205

Georgia Department of Labor
148 International Blvd. NE
Sussex Place - Room 738
Atlanta, GA 30303-1751

Georgia Dept. of Revenue
Cartersville Regional Office
314 E Main Street, Suite 150
Cartersville, GA 30120

Georgia Dept. of Revenue
Taxpayer Services Division
PO Box 105499
Atlanta, GA 30348-5499

Henry Clarke
748 San Fernando Drive
Smyrna, GA 30080

Internal Revenue Service
Insolvency-Rm 400-Stop 334D
401 W. Peachtree Street
Atlanta, GA 30308

Internal Revenue Service (CIO)
PO Box 7346
Philadelphia, PA 19101-7346

IRS -A Harris
Small Business Division
2888 Woodcock Blvd; STOP 307-D
Atlanta, GA 30341-4002

Jerry Williams
c/o Kevin Fitzpatrick, Jr. Esq
101 Marietta St NW; # 3100
Atlanta, GA 30303

Mechanical Services Unlimited
Attn: Timothy E King
962 Industrial Blvd North
Dallas, GA 30132

Moses Gray
c/o Kevin Fitzpatrick, Jr. Esq
101 Marietta St NW; # 3100
Atlanta, GA 30303

Office of the Attorney General
State of Georgia
40 Capital Square, SW
Atlanta, GA 30334

Platzer Swergold et al
Morgan Grossman, Esq.
475 Park Avenue South
New York, NY 10016

PNC Bank - Garnishments
4100 W.150th St.
B7-YB17-01B
Cleveland, OH 44135

Power Up Lending Group, Ltd.
111 Great Neck Road
Suite 216
Great Neck, NY 11021

Power Up Lending Group, Ltd.
c/o Eric N. Van De Water, Esq.
6600 P'tree Dnwdy Rd; Ste 150
Atlanta, GA 30328

Sadonna Clarke
748 San Fernando Drive
Smyrna, GA 30080

Santander Bank, N.A.
Attn: Legal Dept.
75 State Street; 5th Floor
Boston, MA 02109

Santander Bank, N.A.
PO Box 14833
Reading, PA 19612-4833

Schulten Ward Turner & Weiss
Dean Fuchs
Ste 2700; 260 Peachtree St NW
Atlanta, GA 30303

TBF Financial LLC
c/o A. Christian Wilson
3490 Piedmont Road; Ste 1100
Atlanta, GA 30305

United States Attorney
600 Russell B. Russell Bldg.
75 Ted Turner Drive, S.W.
Atlanta, GA 30303-3309

United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Yellowstone Capital LLC
David Singfer
160 Pearl Street; Floor 5
New York, NY 10005

YouZoom Unsurance Services Inc
6900 College Blvd, Ste 1000
Leawood, KS 66211

Zachter PLLC
Maria Heredia, Paralegal
30 wall Street, 8th Floor
New York, NY 10005

Zurich American Ins. Co.
Tower 2, Floor 5
1299 Zurich Way
Schaumburg, IL 60196

**United States Bankruptcy Court
Northern District of Georgia, Atlanta Division**

In re **Clarke's Towing & Transportation Service, Inc.**

Debtor(s)

Case No.
Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Clarke's Towing & Transportation Service, Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

May 6, 2019

Date

/s/ Paul Reece Marr GA Bar #

Paul Reece Marr GA Bar # 471230

Signature of Attorney or Litigant

Counsel for **Clarke's Towing & Transportation Service, Inc.**

Paul Reece Marr, P.C.

Suite 960

300 Galleria Parkway, N.W.

Atlanta, GA 30339

(770) 984-2255 Fax:(678) 623-5109

paul.marr@marrlegal.com